NEIL ABERCROMBIE



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## STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

#### COMMISSION ON WATER RESOURCE MANAGEMENT

P.O. BOX 621 HONOLULU, HAWAII 96809

#### STAFF SUBMITTAL

# for the meeting of the COMMISSION ON WATER RESOURCE MANAGEMENT

April 20, 2011 Honolulu, Hawaii

Application for Stream Channel Alteration Permit for Streambank Protection and Stabilization Riverside apartments, 333 Ohai Street, Wailuku River Hilo, Hawaii, TMK: (3) 2-6-003:009

#### **APPLICANT**:

#### LANDOWNER:

Yogi Kwong Engineers, LLC 1357 Kapiolani Boulevard, Suite 1450 Honolulu, HI 96814 Big Island Housing Foundation (BIHF) Riverside Community Based Non-Profit Corp. 688 Kinoole Street, Suite 212 Hilo, HI 96720

#### **SUMMARY OF REQUEST:**

Application for Stream Channel Alteration Permit (SCAP.2868.8) for Streambank Protection and Stabilization, Riverside Apartments, 333 Ohai Street, Wailuku River in Hilo, Hawaii at TMK: (3) 2-6-003:009.

LOCATION: See Exhibit 1.

#### **BACKGROUND:**

Riverside Apartments is a six-story, walkup apartment building with 74 affordable, one, two and three-bedroom rental units on a 1.85 acre site near the mouth of Wailuku River. Sixty-nine (69) units receive U.S. Department of Housing and Urban Development (HUD) project-based Section 8 funding. HUD is no longer issuing project-based subsidies that are attached to apartment units; therefore, this apartment complex is valuable in preserving affordable housing for multifamily households.

Riverside Apartments is owned by the Big Island Housing Foundation (BIHF) Riverside Community Non-Profit Corporation, a 501(c)(3) corporation. Riverside Apartments provides decent, safe and sanitary housing for families whose income levels are at, or below 50% of the median income in the community. The complex is one of three remaining housing complexes in Hilo that has a project-based subsidy. A household who qualifies for housing at the site pays rent that is only 30% of their income. As of

October 26, 2008, Riverside Apartments was occupied by 73 households, including eight elderly residents and sixty-eight (68) children under 18 years old.

On February 2, 2008, a stream bank failure occurred after a heavy rainfall. BIHF notified the Hawaii Civil Defense Agency, and Hawaii County engineers inspected the site. On February 4, 2008, the Hawaii County Department of Public Works (DPW) recommended that BIHF contact a soils engineer to assess the condition of the collapsed embankment. BIHF is currently in the process of selling Riverside Apartments to Urban Housing Communities, LLC (UHC) but must complete the stream bank stabilization and protection before the sale can be completed.

### Geotechnical Investigation of Stream Bank Slope Failure:

- September 9, 2008, UHC issues a request for proposal to Yogi Kwong Engineers, LLC (YKE) to conduct field reconnaissance/exploration, prepare draft/final geotechnical report and cost estimates for construction.
- September 23, 2008, YKE provides a proposal to UHC for the proposed scope of work.
- September 24, 2008, UHC issues a Notice to Proceed (NTP) to YKE based on YKE's September 23, 2008 proposal.
- September 29, 2008, YKE begins field reconnaissance and exploration.
- October 10, 2008, YKE issues the first project memorandum letter to UHC summarizing the
  preliminary stability findings and conceptual interim stabilization recommendations based on a
  system of micropiles. YKE conducts on-going laboratory testing and refines preliminary stability
  analyses.
- October 28, 2008, YKE issues the second project memorandum letter to UHC summarizing
  three stabilization options and recommending a system of micropiles with shotcrete and soil-rock
  anchor slope stabilization. YKE's construction cost estimates are used for project planning
  purposes. YKE conducts on-going geotechnical laboratory tests and updated slope stability
  evaluations.
- December 18, 2008, YKE issues a draft geotechnical report to UHC.
- February 10, 2011, YKE issues a final geotechnical report to UHC and BIHF.

#### **BIHF Interim Actions Pending Slope Stabilization:**

- November 4, 2008, BIHF fences the area to limit access near the embankment and relocates rubbish bins away from embankment.
- November 14, 2008, BIHF diverts rain gutter downspout discharge away from distressed portion of the embankment.
- April 2009, BIHF establishes resident emergency evacuation procedures.
- BIHF requests for financial assistance:
  - ➤ U.S. Army Corps of Engineers, Army Corp does not perform work on private land.
  - Federal Emergency Management Agency (FEMA), 10/28/08, Riverside Apartments does not qualify as non-profit agencies that provide "critical service or need," and is not eligible for FEMA financial assistance.
  - ➤ Small Business Administration, The landslide occurred on February 2, 2008; and the eligibility period for a declared disaster had expired. Consequently, SBA loans were no longer available.
  - Senator Inouye's Office, BHIF attempts to get BIHF Riverside project included in HUD's Economic Development Initiative (EDI) Special Purpose Grants that is passed by Congress, but there has been no response.
  - ➤ Department of Land and Natural Resources, 10/31/08, Repair or funding the repair of the stream bank is not a DLNR obligation.
  - Hawaii State Legislature, In 2009, the State announced that funds were not available for programs/services and capital repairs to nonprofits through its annual Grant-in-Aid program.

➤ Hawaii County Public Works, 10/30/08, - DPW engineer reviews YKE's report and stabilization recommendations and has no objections; however, the County has no responsibility to repair or fund repair of the embankment.

- ➤ Hawaii County Council Member, 11/5/08, BIHF meets with County Council Member, but no funds are available from the County.
- ➤ Big Island Resource Conservation & Development, 11/20/08, BIHF requests funding assistance, but BIRCD does not fund projects. BIRCD can research other funding sources but has no funds available due to budget-cuts.
- U.S. Department of Housing and Urban Development (HUD) Financial Assistance:
  - ➤ January 2009, BIHF contacts HUD in Honolulu and Las Vegas about the collapsed embankment. HUD indicates that anticipated costs are too large to address with HUD emergency funds and would not approve a second mortgage to fund the design and construction of the stream bank stabilization.
  - ➤ January 17, 2009, HUD continues efforts to assist BIHF in locating alternate sources of funding.
  - May 15, 2010, BIHF informs HUD that BIHF is unable to find alternative sources for funding other than a second mortgage; that property insurance premiums have increased; and that BIHF insurance policy may not be renewed if nothing was done to stabilize the stream bank.
  - May 25, 2010, HUD views embankment, requests a copy of YKE's geotechnical report, and responds that the project may qualify for HUD rent increases for Capital Improvements. HUD requests that BIHF submit a request for increased rent.
  - ➤ June 30, 2010, HUD approves a short-term loan from First Hawaiian Bank (FHB) to cover the cost of the embankment repairs. BIHF prepares financial records and applies for short term loan that meets HUD requirements.
  - > October 13, 2010, BIHF receives a Loan Commitment Letter from FHB.
  - December 02, 2010, FHB inspects 10 random units as part of its loan approval process.
  - > January 19, 2011, FHB inspects embankment as part of its loan approval process.
  - February 17, 2011, HUD approves rent increase needed to obtain a short term loan.
  - March 18, 2011, BIHF obtains HUD approval and financing through FHB. BIHF closes on short term loan to fund slope protection and stabilization.
  - April 03, 2011: HUD approve BHIF's rent increase request.

#### Geotechnical Investigation:

On September 29, 2008, Yogi Kwong Engineers, LLC (YKE) conducted a field exploration of the property to assess the stability of the existing stream bank and develop geotechnical recommendations for remediation measures. The site of the slope failure was surveyed by using rappelling ropes and ladders to access the steep stream bank and two exploratory borings were drilled approximately 36 feet into the ground. YKE conducted geotechnical laboratory tests to evaluate the engineering properties of the soils encountered.

According to YKE, the following factors contributed to the slope failure:

- The stream bank has a very steep slope gradient of approximately 1H:1.5V at the slope failure location. The stream bank becomes nearly vertical in the upper and lower slope areas. The apartment building is located approximately 18 to 19 feet away from the steep stream bank where the slope failure occurred.
- Rock outcrop extends from the stream bed up to an elevation of about (+/-) 28 feet. Soil-like weathered volcanic tuff (soft porous rock) and ash lies above the bedrock up to the top of the stream bank at an elevation of 55 to 56 feet. The natural soils of the very steep slopes are unstable because natural soils have limited long-term strength to support their own weight in tall and nearly vertical slope conditions. See Exhibit 2.
- Heavy overgrown vegetation on the bluff slope have surcharged and gradually destabilized the steep slopes by the weight of the large, tall trees. Although the roots of large trees can provide

some "anchoring" effects, they can be overturned, and decaying roots can become conduits for water to enter the slope and contribute to saturation. The slope failure displaced most of the vegetation on the bluff and left the scarp surface barren of vegetative growth.

• Poor site drainage features that included: (1) a low earth berm along the crest of the bluff and drain pipe connected to rain gutters which contributed to the soil saturation and groundwater seepage flows through the slope. Soil saturation increases the weight of the soil and adds potentially destabilizing forces onto a steep slope. (2) Water seepage through soils can develop water pressure within the pores of the soil which reduces the strength of the soil, and (3) stormwater runoff over the unprotected slope face can contribute to erosion of the exposed soil scarp.

YKE performed a series of slope stability analyses of the existing stream bank under various loading conditions including the existing condition, potentially fully saturated condition, and various seismic conditions that could possibly occur based on regional and seismic considerations. YKE stability analyses indicated that the existing stream bank can become marginally stable under fully saturated conditions, or become unstable under major earthquake conditions. The slope stability analysis also indicated that slope failures may impact and destabilize the adjacent section of the apartment building if slope stabilization measures are not taken. The stability of the existing slope will be reduced further if the existing scarp is subject to erosion from surface water runoff.

Based on YKE's experience and case histories, a gravity-type retaining wall would commonly be used to protect and stabilize very steep slopes. However, a gravity-type retaining wall would be very difficult to construct at this site because of the 50-foot bluff height, the very steep gradient, limited construction space, and limited access to mobilize heavy construction equipment.

On February 10, 2011, YKE prepared a <u>Final Geotechnical Report, Emergency Stream Bank Bluff Protection and Stabilization, Riverside Apartments, 333 Ohai Street, Hilo, Hawaii</u> for Urban Housing Communities, LLC and BIHF Riverside Community Based Non-Profit Corporation. YKE's slope stabilization concept is a combination of a series of closely spaced micro-piles\* drilled into the underlying bedrock and a reinforced shotcrete\*\* facing tied town with soil anchors to stabilize and protect the adjacent stream bank and slope based on YKE's geotechnical analysis.

#### Permitting, Construction Documents and Stabilization Contract:

- November 2010, BIHF issues a Request for Proposal to YKE for permit, design and construction management services.
- December 18, 2010, YKE submits a fee proposal to BIHF to prepare construction plans, permits and construction management services.
- January 27, 2011, BIHF issues a Notice to Proceed (NTP) to YKE to prepare construction plans, permit and construction management services.
- February 2011, YKE contracts with civil and structural engineering subcontractors and prepares permitting and construction documents.
- February 28, 2011, BIHF issues contract with Janod, Inc. for slope stabilization and protection. Janod orders specialized micropile materials from mainland vendors.
- March 25, 2011, Micropile materials are delivered on-site.
- Issuance of a NTP for construction is pending a Special Management Area (SMA) permit application assessment by Hawaii County and a Stream Channel Alteration Permit approval from the Commission.

<sup>\*</sup> Micropiles (also called minipiles) are high-performance, high-capacity, drilled and grouted piles with diameters typically five to twelve inches. Micropiles can extend to depths of 200 feet and can take loads as small as 3 tons or as high as 200 tons.

<sup>\*\*</sup> Shotcrete is concrete (or sometimes mortar) conveyed through a hose and pneumatically sprayed at high velocity onto a surface.

 Anticipated construction schedule is four to eight weeks from the issuance of the NTP for construction.

#### **DESCRIPTION:**

YKE's slope protection and stabilization work includes:

- Two rows of 6.5-inch diameter vertical micropiles parallel to the top of the stream bank at four-foot on-center spacing. The micropiles consist of a high-strength, central reinforcing bars encased in minimum 4,000 pounds per square inch (psi) cement grout with a minimum 6.5 inch outer diameter steel casing. The micropiles will be drilled and embedded at a minimum of six feet into the underlying weathered basalt rock, and the exterior and interior annular space will be fully grouted. See Exhibit 3.
- Battered micropiles behind the micropiles, spaced similarly as the vertical micropiles and installed at an inclination of 1H:1.25V battered away from the stream bank.
- Horizontal soil/rock anchors along the vertical portion of the slide scarp:
  - ➤ 16 soil/rock anchors, each approximately 35 feet long installed at elevation 42 feet above MSL.
  - ➤ 14 soil/rock anchors, each approximately 20 feet long, installed at elevation 35 feet above MSL.
- Reinforced shotcrete, approximately 6-8 inches thick, for slope protection over the exposed slide scarp. The reinforced shotcrete will be constructed up and over the protected stream bank and be structurally connected to the micropile cap to transfer the pull out capacity of the battered piles to the shotcrete slope protection and protect and stabilize against shallow slope failures in the upper slope area.
- No work on the rock outcropping below elevation 28 feet above MSL.
- Temporary best management practices (BMPs) such as silt fences, debris catchment fences and sand bags along the stream bank to prevent debris from falling into the river.

#### ANALYSIS:

#### **Agency Review Comments:**

The U.S. Army Corps of Engineers (COE) commented that the project is located landward of the Mean High Water Mark (MHWM) and a Department of the Army (DA) permit will not be required.

Hawaii County Planning Department: The subject parcel is in the Special Management Area (SMA) and is subject to review. Due to the emergency nature of the request, the Planning Department will be issuing a SMA Emergency Permit for the proposed emergency stabilization of the stream bank slope.

The U.S. Fish and Wildlife Service, Office of Hawaiian Affairs, Department of Hawaiian Home Lands, Department of Health (DOH) Clean Water Branch (CWB) and University of Hawaii Environmental Center did not submit comments as of the date of preparation of this submittal.

# **DLNR Review Comments:**

- Land Division: The Wailuku River bed and its banks up to the water level of the river are under the State's ownership. A right-of-entry permit is required for any work to be done on the river bank below the water level, or the river bed, including, but not limited, to moorings for the construction platforms or for storing materials necessary for the performance of the stream bank protection and stabilization work.
- State Parks: not subject to its authority or permit.

State Historic Preservation Division (SHPD), Division of Forestry and Wildlife (DOFAW), Division of Aquatic Resources (DAR), and Engineering did not submit comments as of the date of preparation of this submittal.

#### Chapter 343 Environmental Assessment (EA) Compliance Review:

EA Triggers: In accordance with HRS §343-5 (a), the applicant's proposed action does not trigger the need for an EA because the proposed project is located on private land and will use private funds.

#### **Staff Review**

On February 17, 2011, YKE requested an emergency authorization from the Commission for the proposed streambank protection and stabilization work. However, staff requested that YKE apply for a Stream Channel Alteration Permit for the proposed work because of the three-year period from when the slope failure occurred in 2008 to 2011, and does not qualify for "emergency work" as defined in HAR §13-169-55 where immediate but minimal action is required to remove or prevent immediate threats to health and safety or further damage to property.

Wailuku River is a perennial stream with a watershed area of 252.2 square miles and a total stream length of 196.1 miles. Native crustaceans and fish are located in the estuary, middle and upper reaches and headwaters of Wailuku River. No work will occur in Wailuku River or on the rock out-cropping below elevation 28 feet above MSL. The proposed work will occur at and above elevation 35 feet above MSL and on top of the stream bank. Best management practices include the installation of silt fences, debris catchment fences and sand bags along the stream bank to prevent debris from falling into the river. Therefore, staff expects negative impacts to Wailuku Stream to be insignificant.

#### **RECOMMENDATION:**

That the Commission approve the applicant's Stream Channel Alteration Permit (SCAP.2868.8) for Streambank Protection and Stabilization, Riverside Apartments, 333 Ohai Street, Wailuku River in Hilo, Hawaii at TMK: (3) 2-6-003:009, subject to the standard conditions in Exhibit 5.

Respectfully submitted,

WILLIAM M. TAM Deputy Director

Exhibits:

1. Location Map

2. Generalized Geologic Profile

3. Site Plan and Construction Details

4. Slope Reconnaissance Photos

5. Standard Stream Channel Alteration Permit Conditions

APPROVED FOR SUBMITTAL:

WILLIAM J. AILA, JR.

Chairperson

2011 HAR 24 PM 2: 13

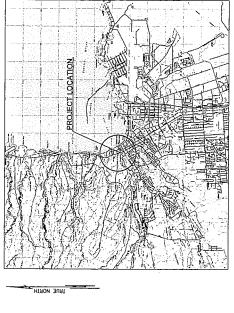
# RIVERSIDE APARTMENTS AT 333 OHAI STREET HILO, HAWAII COUNTY (TMK 2-6-003:009)

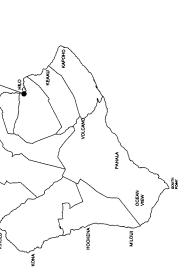
PREPARED FOR: BIHF RIVERSIDE COMMUNITY BASED NON PROFIT CORPORATION

688 KINOOLE ST., SUITE 212 HILO, HAWAII 96720 PREPARED BY:
PRIME / GEOTECHNICAL ENGINEER: YOGI KWONG ENGINEERS, LLC
1357 Kapiolani Blvd., Sulte 1450, Honolulu, HI 96814

Sub-Consultant STRUCTURAL ENGINEER: SHIGEMURA, LAU, SAKANAHI, HIGUCHI & ASSOC., INC. 1916 Young St., 2nd Floor, Honolulu, HI 96826

INDEX TO DRAWINGS PROJECT LOCATION





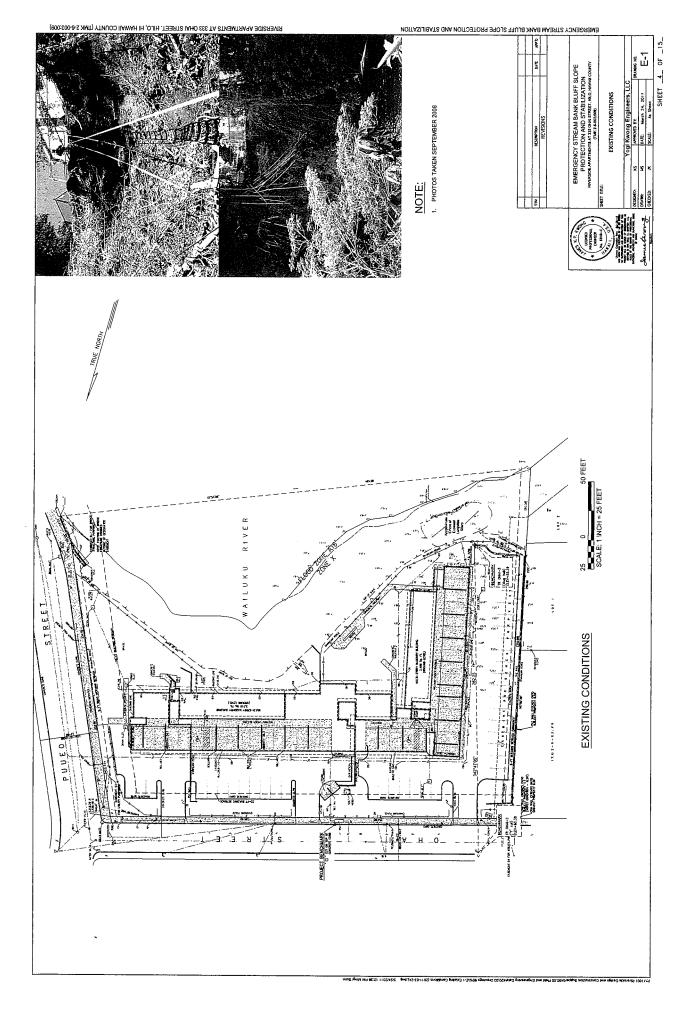
PROJECT LOCATION MAP

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President, BIHF Riverside Community Based Non Profit Corporat

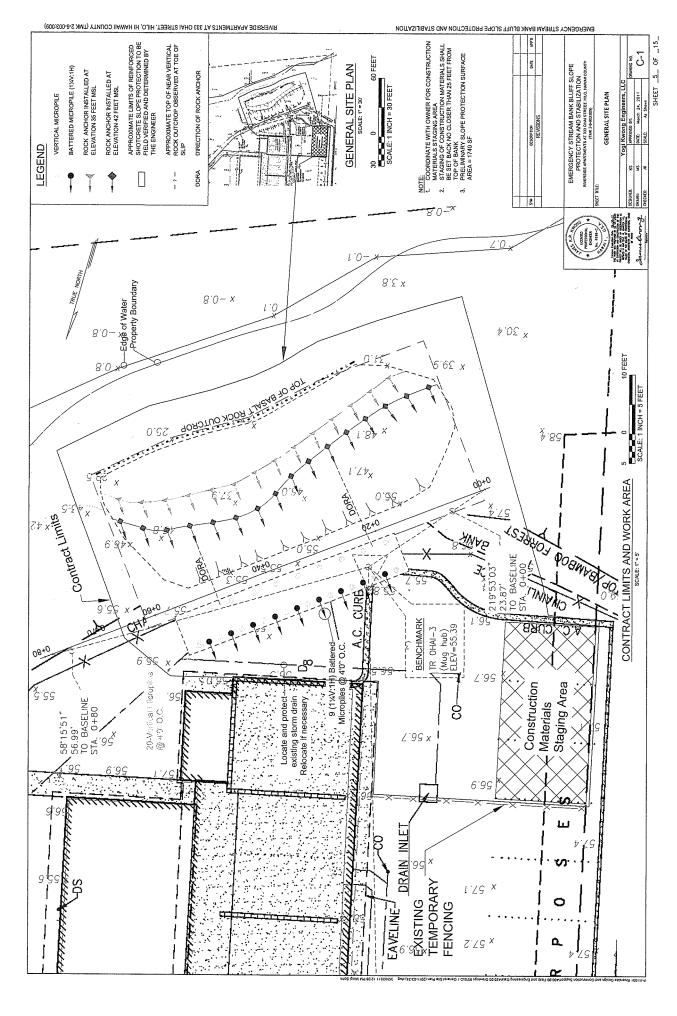
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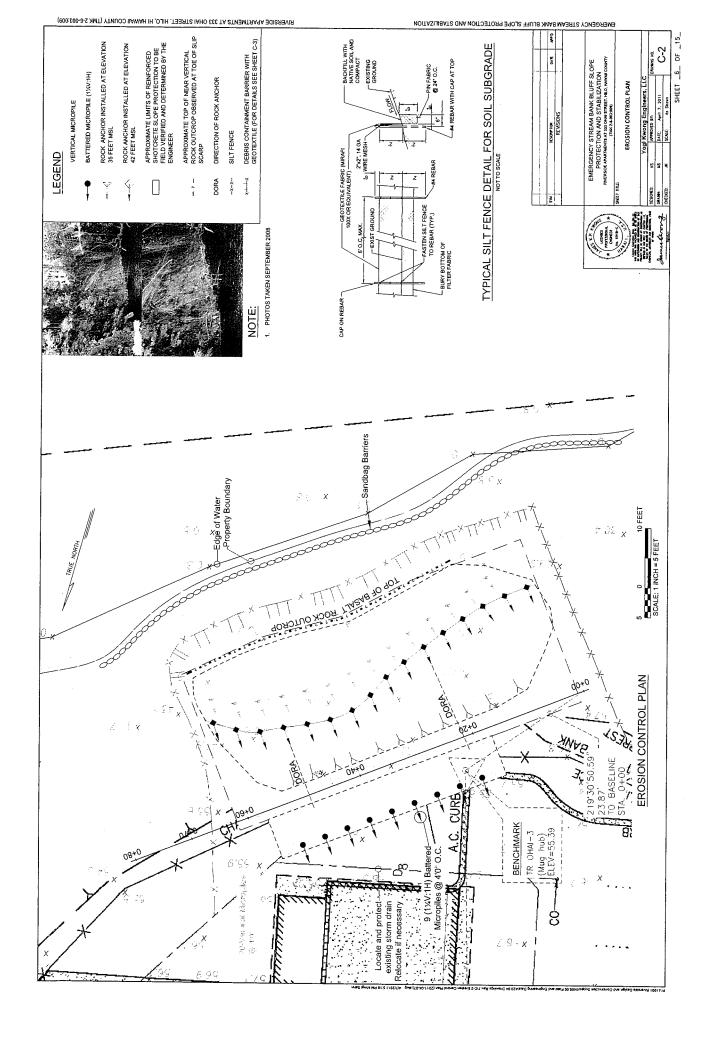
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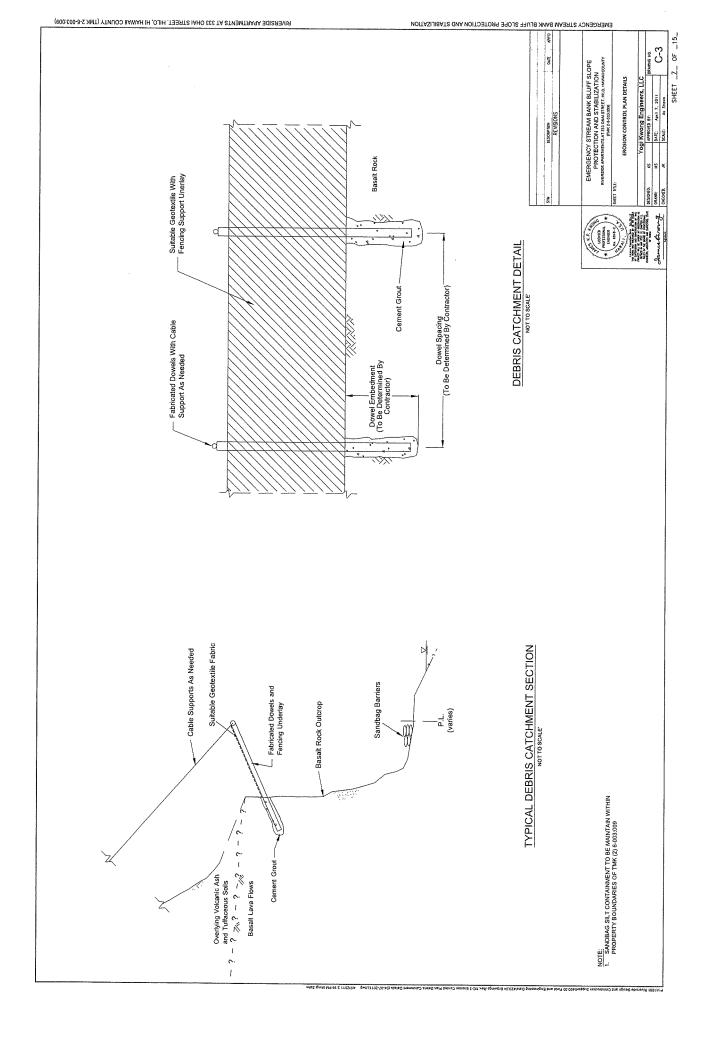


**EXHIBIT 2** 

SHEET \_15\_ OF \_15\_





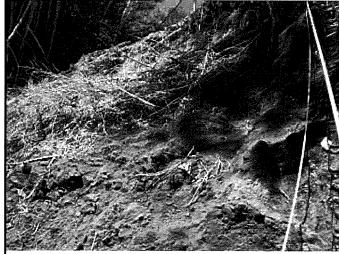






Torevane Test Performed in Exposed Ash On Upper Slope Face

Reconnaissance Standing Near the Toe of the Slide





Exposed Ash Soil Along Upper Slide Face (Western End of Head Scarp)

Exposed Ash Soil Along Upper Slide Face (Center of Head Scarp)

#### SLOPE RECONNAISSANCE

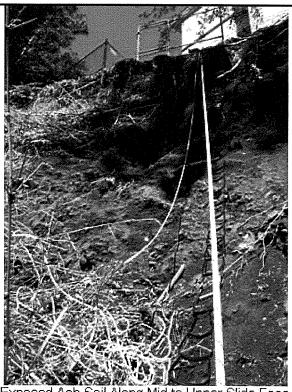
Riverside Apartments Stream Bank Assessment 333 Ohai Street, Hilo, Hawaii

Project No. 08029





Exposed Ash Soil Along Upper Slide Face (Eastern End of Head Scarp)



Exposed Ash Soil Along Mid to Upper Slide Face



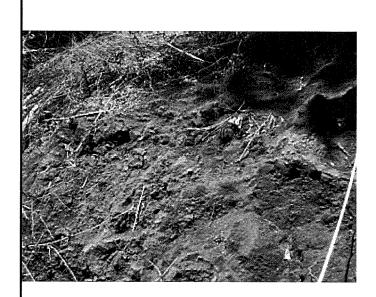
Exposed Ash Soil Along Upper Slide Face (Western Edge of Slide)



# SLOPE RECONNAISSANCE

Riverside Apartments Stream Bank Assessment 333 Ohai Street, Hilo, Hawaii





Weathered Tuff along Midslope



Eastern Edge of Slide Scarp (Midslope)





Reconnaissance Standing Near the Toe of the Slide Rock Interface Observed at/below the Toe of the Slide

# SLOPE RECONNAISSANCE

Riverside Apartments Stream Bank Assessment 333 Ohai Street, Hilo, Hawaii



# STANDARD STREAM CHANNEL ATERATION PERMIT CONDITIONS (Revised 9/19/07)

- 1. The permit application and staff submittal approved by the Commission at its meeting on April 20, 2011, shall be incorporated herein by reference.
- 2. The applicant shall comply with all other applicable statutes, ordinances, and regulations of the Federal, State and county governments.
- 3. The applicant, his successors, assigns, officers, employees, contractors, agents, and representatives, shall indemnify, defend, and hold the State of Hawaii harmless from and against any claim or demand for loss, liability, or damage including claims for property damage, personal injury, or death arising out of any act or omission of the applicant or his successors, assigns, officers, employees, contractors, and agents under this permit or related to the granting of this permit.
- The applicant shall notify the Commission, by letter, of the actual dates of project initiation and completion. The applicant shall submit a set of as-built plans and photos of the completed work to the Commission upon completion of this project. This permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The proposed work under this stream channel alteration permit shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Commission upon showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Commission no later than three (3) months prior to the date the permit expires. If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.
- 5. Before proceeding with any work authorized by the Commission, the applicant shall submit one set of construction plans and specifications to determine consistency with the conditions of the permit and the declarations set forth in the permit application.
- 6. The applicant shall develop site-specific, construction best management practices (BMPs) that are designed, implemented, operated, and maintained by the applicant and its contractor to properly isolate and confine construction activities and to contain and prevent any potential pollutant(s) discharges from adversely impacting state waters. BMPs shall control erosion and dust during construction and schedule construction activities during periods of low stream flow.
- 7. The applicant shall protect and preserve the natural character of the stream bank and stream bed to the greatest extent possible. The applicant shall plant or cover lands denuded of vegetation as quickly as possible to prevent erosion and use native plant species common to riparian environments to improve the habitat quality of the stream environment.
- 8. In the event that subsurface cultural remains such as artifacts, burials or deposits of shells or charcoal are encountered during excavation work, the applicant shall stop work in the area of the find and contact the Department's Historic Preservation Division immediately. Work may commence only after written concurrence by the State Historic Preservation Division.